

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Kevin Carole Williams, Jr.

Docket No. 5:13-CR-10-1D

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kevin Carole Williams, Jr., who, upon an earlier plea of guilty to Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Marcia Morales Howard, U.S. District Judge, on April 25, 2011, to the custody of the Bureau of Prisons for a term of 18 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Kevin Carole Williams, Jr. was released from custody on July 20, 2012, at which time the term of supervised release commenced. Jurisdiction was transferred to the Eastern District of North Carolina on August 16, 2012.

On December 15, 2012, in Wake County, North Carolina, the defendant was charged with Driving While License Revoked and Speeding. On December 19, 2012, in Wake County, he was charged with Second Degree Trespass. Additionally, On December 28, 2012, the defendant left the district without permission and was charged in Maryland with Driving While License Revoked. The defendant was ordered to complete a period of home detention not to exceed 90 consecutive days.

On March 25, 2013, the defendant failed to report law enforcement contact. The defendant was under investigation by law enforcement for possible criminal conduct and failed to notify the probation officer that he was questioned. The defendant was verbally reprimanded with no further action taken. The investigation was concluded with no evidence of any non-compliance.

On June 25, 2013, the defendant was charged in Wake County, North Carolina, with Aiding and Abetting a Hit and Run and Resisting a Public Officer. The defendant, driving in a separate vehicle, witnessed a wreck in which his friend was the driver. Within several minutes, police arrived at the friend's residence and it is alleged that the defendant provided false and fictitious information regarding the wreck. The defendant was placed in Cognitive Behavioral Program.

On September 17, 2013, in Wake County, North Carolina, the defendant was arrested for violating his state probation. The defendant was charged in March 14, 2010, with Driving While Impaired. In February 2013, he pled guilty and was sentenced to 12 months probation. The defendant violated his state probation by failing to report as directed on several dates, failing to pay his fine as directed, and for failing to remain within the jurisdiction of the court unless granted permission to leave by the court or probation officer. The defendant was allowed to continue on supervised release with no further court action.

On October 24, 2013, the defendant failed to appear for MRT (Cognitive Behavioral Program) as scheduled. As a result, he reached his limit of three unexcused absences which were grounds for termination from the program. Additionally, on November 1, 2013, in Wake County, North Carolina, the defendant was charged with No Operator's License. The court allowed the defendant to complete MRT and he was instructed not to operate another motor vehicle until properly licensed. On January 23, 2014, the defendant completed the MRT Program.

On May 21, 2014, the defendant was charged in Wake County, North Carolina, with Driving While License Revoked and Failure to Reduce Speed. As a result of his poor decisions, the court allowed him to complete a 5-day jail placement.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On November 20, 2014, in Wake County, North Carolina, the defendant was charged with Driving While Impaired and Driving While License Revoked After Impaired Revocation Notice. These charges are still pending. Due to the defendant's account of what took place that day, the probation office is still actively investigating these charges. However, the probation office is recommending that the defendant be allowed to participate in substance abuse treatment and abstain from the use of any alcoholic beverages. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. If the defendant is ultimately convicted of the charged offenses, the court will be presented with additional information and a recommended course of action.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: December 4, 2014

ORDER OF COURT

Considered and ordered this 4 day of December, 2014, and ordered filed and made a part of the records in the above case.


James C. Dever III
Chief U.S. District Judge